

**REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed December 15, 2004. The Applicants traverse the rejections to claims 5 and 6. Claim 7 has been canceled. Reconsideration and allowance of the subject application and presently pending claims 1-6 and 8-20 is respectfully requested.

**I. Response to Claim Rejections based on Anticipation**

In the Office Action, claims 5 and 6 are preliminarily rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,425,524 to Pentel (hereinafter "Pentel").

**A. Claim 5**

Claim 5 is presently written as:

5. A drive-through operation system, comprising:  
a data-receiving module;  
a first data-entry module capable of transmitting data indicative of an order for requested items by a customer to the data-receiving module; and  
a signaling device coupled to the data-receiving module to indicate to the customer when to approach a pickup location to pick up the requested items, wherein the signaling device comprises a moveable gate.

Claim 5 has been amended to include the subject matter of the originally filed claim 7, which the Examiner identified as allowable subject matter. Therefore, the Applicants respectfully request allowance of claim 5 as amended.

**B. Claim 6**

The Applicants respectfully submit that since claim 6 depends on independent claim 5, claim 6 contains all limitations of independent claim 5. Since independent claim 5 should

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be allowed, as argued above, pending dependent claim 6 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q. 2d 1596, 1608 (Fed. Cir. 1988).

### CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, the Applicants respectfully submit that all objections and rejections have been traversed, rendered moot and/or accommodated, and that presently pending claims 1-6 and 8-20 are in condition for allowance. Favorable reconsideration and allowance of the present application and the presently pending claims are hereby courteously requested. If in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (603) 668-1400.

Respectfully submitted,



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### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on, Feb. 25, 2005 at Manchester, New Hampshire.

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